

<b>DATE OF DETERMINATION</b>	Wednesday, 24 April 2020
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown and Michael Mantei
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Teleconference Call on Wednesday, 15 April 2020, opened at 10:00am and closed at 10:40am.

#### **MATTER DETERMINED**

PPSSTH-4 – Wollongong City Council – DA-2019/534 at Lot 4 Warwick Street, Berkeley, Lot 2 York Street, Berkeley, Lot 2 Nottingham Street, Berkeley – Medical Centre and Child Care Centre - Stage 1 (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned the meeting and sought revisions to the recommended conditions from Council (see below).

#### **Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to revisions to the recommended conditions.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

- The proposed development is generally consistent with the land use and development footprint of Concept Plan approval for the site (MP10\_0147) which permits the proposed Medical Centre, Day Surgery, Respite Care Centre, Specialists Rooms and Child Care Centre, as well as construction of access roads/car parking, tree removal and drainage works as Stage 1 of the overall development.
- The proposed development has addressed the Future Environmental Assessment Requirements in Schedule 4 of the concept plan approval and the Revised Statement of Commitments in Schedule 4 of the approval.
- The proposed development is permissible with consent in the R2 Low Density Residential zone. The car park components in the E3 Environmental Management zone are authorised in the Concept Plan approval, notwithstanding that they are prohibited uses under Wollongong LEP 2009.
- The Panel is satisfied that the environmental impacts of the proposed development are able to be mitigated or managed.

#### **CONDITIONS**

The development application was approved subject to the amended conditions in the *Supplementary Assessment Report DA-2019/534* submitted to the Panel by Council on 24 April 2020.

The amended conditions reflect discussions between the Panel and Council officers to strengthen the consent by incorporating several proposed environmental management measures into the consent. The key changes to the Conditions are:

**Amended Conditions:**

- **Condition 1.** - amend to include the Statement of Environmental Effects and its attachments/associated documents in the list of approved plans and specifications for clarity and transparency.
- **Condition 28.** – amend the condition to also require:
  - details of which trees are being removed and which retained
  - provision of dense landscaping within the buffer zone between the residential properties in Warwick Street and Hopman Crescent and the proposed development. Particular attention should be given to the area between the Child Care Centre and adjoining residences

**Additional conditions:**






- **Condition 43a** - requiring implementation of the Sustainability Masterplan, with particular attention given to the proposed “treatment train” which facilitates the provision of effective water quality control measures
- **Condition 43f** - requiring implementation of the Construction Environmental Management Plan (noting that a Construction Environmental Management Plan is required for Stage 1 by the concept approval but there is no condition requiring that it is implemented)
- **Condition 43e** - requiring implementation of the mitigation actions identified in sections 5.1.2 and 5.1.3 of the BDAR report

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic and access
- Flora and fauna assessment

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed to address these issues.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	 David Brown
 Michael Mantei	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-4 – Wollongong City Council – DA-2019/534
2	PROPOSED DEVELOPMENT	Medical Centre and Child Care Centre - Stage 1 of concept approval MP10_0147 medical centre, day surgery, respite care centre, specialists' rooms, childcare centre including construction of access roads and carparking, tree removal and drainage works
3	STREET ADDRESS	Lot 4 Warwick Street, Berkeley, Lot 2 York Street, Berkeley Lot 2 Nottingham Street, Berkeley
4	APPLICANT/OWNER	Mohamad Rashid
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Concept Plan approval for the site (MP10_0147)</li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>○ Wollongong Local Environmental Plan 2009</li> </ul> </li> <li>• Relevant Legislation: <ul style="list-style-type: none"> <li>○ Biodiversity Conservation Act 2016 – Division 2 Biodiversity assessment requirements</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 3 April 2020</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Nil</li> <li>○ Council assessment officer – Nigel Lamb</li> <li>○ On behalf of the applicant – Dr Rashid, Elaine Treglown, Woon Kang</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Wednesday, 27<sup>th</sup> November 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks and David Brown</li> <li>○ <u>Council assessment staff</u>: Nigel Lamb and Anne Starr</li> </ul> </li> <li>• Site Inspection: Wednesday, 27<sup>th</sup> November 2019, 9:30am <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks and David Brown</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Nigel Lamb and Anne Starr</li> <li>• Final briefing to discuss council's recommendation, Wednesday, 15<sup>th</sup> April 2020, 9:00am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown and Michael Mantei</li> <li>○ <u>Council assessment staff</u>: Nigel Lamb and Lauren Wilson</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report